

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA

CRIMINAL NO. 1:CR-01-352-02

v.

BRADLEY LANORD LOTT

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O R D E R

Before the court is Defendant's motion for reconsideration of this court's May 2, 2006 order denying his motion for jail time credit or prior custody credit pursuant to 18 U.S.C. § 3585(b). Defendant, a prisoner, mailed the motion on May 18, 2006.¹

Middle District Local Rule 7.10 requires a motion for reconsideration to be filed within ten days after the entry of any judgment, order or decree. Federal Rule of Civil procedure 59(e) explicitly mandates that a motion for reconsideration is to "be filed no later than ten days after entry of judgment." The time limit may not be judicially extended in the discretion of the court and Federal Rule of Civil Procedure 6(e) (which allows three days for mailing) does not alter the time limit provided under Rule 59(e). *Adams v. Trustees , NJ Brewery Trust Fund*, 29 F.3d 863, 870-71 (3d Cir. 1994).

¹Since Defendant is a prisoner, the date of mailing is used as the filing date.

The deadline for filing a motion for reconsideration was May 16, 2006. Defendant's motion is untimely. **IT IS THEREFORE ORDERED THAT** the motion is dismissed as untimely.

s/Sylvia H. Rambo
SYLVIA H. RAMBO
United States District Judge

Dated: May 23, 2006.